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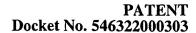
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| Application Number     | 10/646,070           |
|------------------------|----------------------|
| Filing Date            | August 22, 2003      |
| First Named Inventor   | Michael Wayne GRAHAM |
| Art Unit               | 1632                 |
| Examiner Name          | Not Yet Assigned     |
| Attorney Docket Number | 546322000303         |

| ENCLOSURES (Check all that apply)  |  |   |  |  |  |  |
|--|--|---|--|--|--|--|
| Fee Transmittal Form  Fee Attached  Amendment/Reply  After Final  Affidavits/declaration(s)  Extension of Time Request  Express Abandonment Request  X Information Disclosure Statement Form PTO-1449 (17 pages)  Certified Copy of Priority Document(s) | Drawing(s)  Licensing-related Papers  Petition  Petition to Convert to a Provisional Application  Power of Attorney, Revocation Change of Correspondence Address  Terminal Disclaimer  Request for Refund  CD, Number of CD(s) | After Allowance Communication to Group  Appeal Communication to Board of Appeals and Interferences  Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  Proprietary Information  Status Letter  X Other Enclosure(s) (please identify below):  1 One copy of 85 Cited References  2. Return Receipt Postcard |  |  |  |  |
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|  | MORRISON & FOERSTER LLP (Customer No. 20872)   |   |  |  |  |  |
| Individual name  | Michael R. Ward - 38,651   |   |  |  |  |  |
| Signature Wichas   | d R Word<br>26, 2004   |   |  |  |  |  |
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Leah M. Kjellén

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael Wayne GRAHAM et al.

Serial No.:

10/646,070

Filing Date:

August 22, 2003

For:

**CONTROL OF GENE EXPRESSION** 

Examiner: Not Yet Assigned

Group Art Unit: 1632

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents marked with \* were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 09/646,807, filed December 5, 2000, and, accordingly, copies are not included herewith. This protocol conforms

with 37 C.F.R. §1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

|             | This In | formation Disclosure Statement is submitted:  |
|-------------|---------|---|
|             | With    | the application; accordingly, no fee or separate requirements are required.         |
|             | Befor   | e the mailing of a first Office Action after the filing of a Request for Continued  |
|             | Exam    | ination under § 1.114. However, if applicable, a certification under 37 C.F.R. §    |
|             | 1.97(   | e)(1) has been provided.  |
| $\boxtimes$ | With    | in three months of the application filing date or before mailing of a first Office  |
|             | Actio   | n on the merits; accordingly, no fee or separate requirements are required.         |
|             | How     | ever, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been          |
|             | provi   | ded.  |
|             | After   | receipt of a first Office Action on the merits but before mailing of a final Office |
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Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

Application Serial No. 10/646,070

Docket No. 546322000303

3

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

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Dated: July 26, 2004

Respectfully submitted,

Registration No. 38,651

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# RMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

| Docket Number 546322000303  | Application Number 10/646,070 |
|-----------------------------|-------------------------------|
| Applicants                  |                               |
| Michael Wayn                | e GRAHAM et al.               |
| Filing Date August 22, 2003 | Group Art Unit 1632           |
| Mailing Date July 27, 2004  |                               |

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| Examiner Initials | Ref.<br>No. | Date      | Document No.      | Name              | Class | Subclass | Filing Date If<br>Appropriate |
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#### Sheet 2 of 14 Docket Number 546322000303 Form PTO-1449 Application Number 10/646,070 **Applicants** INFORMATION DISCLOSURE CITATION Michael Wayne GRAHAM et al. IN AN APPLICATION Filing Date August 22, 2003 Group Art Unit 1632 (Use several sheets if necessary) Mailing Date July 27, 2004 24. 1/13/00 \* WO 00/01846 **WIPO** 25. 10/26/00 \* WO 00/63364 **WIPO** 26. 4/26/01 \* WO 01/29058 **WIPO** 27. 5/25/01 \* WO 01/36646 **WIPO** 28. 1/18/01 \* WO 01/04313 **WIPO** 29. 7/5/01 \* WO 01/48183 **WIPO** 30. 11/22/01 \* WO 01/88114 **WIPO** 31. 6/6/02 \* WO 02/44321 **WIPO** 32. 1/23/03 \* WO 03/006477 **WIPO** 33. 5/7/98 \*WO 98/18811 **WIPO** 34. 10/21/99 \*WO 99/53050 **WIPO** 35. 9/27/01 \*WO 01/70949 **WIPO** 26. 4/3/03 \*WO 03/27298 **WIPO** 37. 7/1/99 \*WO 99/32619 **WIPO** 38. 4/20/95 \*WO 95/10607 **WIPO** 39. 10/8/98 \*WO 98/44138 **WIPO** 40. \*WO 96/08558 **WIPO** 3/21/96 9/15/93 \*EP 0560156A2 **EPO** 41. 42. 5/27/99 \*WO 99/25853 **WIPO** 43. 10/21/97 \*EP 0242016 **EPO** 44. 8/20/98 \*WO 98/36083 **WIPO** 45. 4/1/99 \*WO 99/15682 **WIPO** 46. 1/23/97 \*WO 97/01952 **WIPO** 47. 11/25/93 \*WO 93/23551 **WIPO** 48. 8/4/94 \*WO 94/17194 **WIPO** 49. 9/2/93 \*WO 93/17098 **WIPO** 50. 11/26/98 \*WO 98/53083 **WIPO WIPO** 51. 10/18/90 \*WO 90/11682 52. 8/27/98 \*WO 98/37213 **WIPO** 53. 9/30/99 WO 99/49029 **WIPO**

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|---|------|---|--|--|---|------------------|--------------------|---------------|--------------|
| INFORMATION DISCLOSURE CITATION IN AN APPLICATION |      |   | Applicants   | Michael Way  | ne GRAHAM et al.  |                  |                    |               |              |
|   | (    | Use several sheets if   | necessary)   |  | Filing Date August 22, 2003 Group Art Unit 1632                             |                  |                    |               |              |
|   |      |   |  | Mailing Date   | July 27, 2004   |                  |                    |               |              |
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| INFORMAT      | ION DISCLOSURE CITATION  | Applicants                                     |                                     |  |
| IN            | I AN APPLICATION   | Michael Wayne                                  | GRAHAM et al.                       |  |
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| Form PTO-1449                                     |  | Docket Number 546322000303              | Application Number 10/646,070      |  |
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| Form I | PTO-1449 |  | Docket Number 546322000303              | Application Number 10/646,070       |  |
|--------|----------|--|---|-------------------------------------|--|
| IN     |          | ION DISCLOSURE CITATION I AN APPLICATION   | Applicants  Michael Wayne GRAHAM et al. |                                     |  |
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